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Filing date: **05/20/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209923
Party	Defendant APOTHECARY HOLDINGS, INC.
Correspondence Address	APOTHECARY HOLDINGS, INC. APOTHECARY HOLDINGS, INC. 1606 W WHISPERING WIND DR PHOENIX, AZ 85085-1322 Sjohnson@ifllaw.com
Submission	Motion to Amend Application
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Signature	/Sean D. Johnson/
Date	05/20/2013
Attachments	Motion to Amend Identifications of Goods and Services.pdf(1018504 bytes)

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8 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
9 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

10 Forest Laboratories, Inc.,

11 Opposer,

12 v.

13 Apothecary Holdings, Inc.,

14 Applicant

Opposition No. 91209923

(U.S. Trademark Application Serial
Nos. Registration Nos. 85/606,899 and
85/618,429)

**CONSENT MOTION TO AMEND
IDENTIFICATIONS OF GOODS
AND SERVICES**

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17 Applicant, Apothecary Holdings, Inc., files this Consent Motion to seek permission
18 from the Trademark Trial and Appeal Board to amend the identifications of goods and
19 services in the two above-referenced Applications that are the subject of this Opposition
20 proceeding, pursuant to the terms of a settlement agreement entered into by the parties
21 effective May 1, 2013.
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23 Specifically, for both U.S. Trademark Application Serial No. 85/606,899 and U.S.
24 Trademark Application Serial No. 85/618,429, Applicant respectfully requests that these
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1 Applications be amended as follows:

2 (1) By deleting the identification of goods in International Class 5, in its
3 entirety, from both Applications.
4

5 (2) By amending the identification of services in International Class 44 in both
6 Applications to read as follows (with the proposed amendments appearing in
7 underlined font): “Medical and pharmaceutical consultation in association
8 with a pharmacy’s practice; pharmacists' services to make up
9 prescriptions in association with a pharmacy’s practice”.
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11 The remainder of the Applications would not be changed.

12 Applicant has obtained the consent of Opposer, Forest Laboratories, Inc., for the
13 Amendments submitted above. In addition, pursuant to the above-referenced settlement
14 agreement, Opposer has agreed that it will file appropriate documents to withdraw the
15 Opposition with prejudice after the Board approves this Consent Motion. Applicant
16 respectfully asserts that this Consent Motion satisfies the conditions for approval as set
17 forth in Section 514.02 of the Trademark Trial and Appeal Board Manual of Procedure
18 (TBMP).
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1 Thank you for your consideration of these matters.

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3 RESPECTFULLY SUBMITTED this 20th day of May, 2013.

4 INGRASSIA FISHER & LORENZ, P.C.
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7 By 
8 Sean D. Johnson

9 *Attorneys for Applicant*

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2013, a copy of Applicant's Consent Motion to Amend Identifications of Goods and Services, was served on the following attorney of record for Opposer to be delivered by electronic communication and via U.P.S. overnight delivery to Opposer's attorney in an envelope addressed as follows:

Christopher Serbagi
The Serbagi Law Firm, P.C.
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New York, NY 10022
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Sean D. Johnson